

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CARLOS CRUZ,

X

Plaintiff,

:

- against -

:

BEIGNET, INC., et al.

:

Defendants.

:

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17-CV-9528 (RWL)

DEFAULT JUDGMENTDOC #: 10/17/2022DATE FILED: 10/17/2022

This action commenced on December 5, 2017 with filing of a summons and complaint. (Dkt. 1.) The parties entered into a settlement agreement, which required payment by defendants of \$12,500 in installments, in part to Plaintiff (\$7,704.53) and in part to Plaintiff's counsel (\$4,795.47). The settlement agreement included confessions of judgment signed by two of the Defendants BEIGNETS BY DELIMARIE, INC d/b/a CAFEMARIE and SHAUKAT ANWER ("Defaulting Defendants") – that could be filed upon failure to cure after written notice of default for failure to pay amounts due under the settlement agreement. Under the settlement agreement and the confessions of judgment, judgment shall be entered for 150% of the unpaid sums. The Court approved the fully executed Settlement Agreement on February 22, 2021. (Dkt. 52.)

On August 18, 2022, Plaintiff moved for default judgment because Defaulting Defendants failed to make any payments under the settlement agreement. (Dkt. 53.) On August 23, 2022, the Court entered an order to show cause as to why judgment should not be entered against the Defaulting Defendants. (Dkt. 54.) A show cause hearing was held on September 15, 2022. At the hearing, counsel for the Defaulting Defendants

represented that he was unable to provide assurance that Defendants had the ability to make the required payments under the Settlement.

Accordingly, it is hereby,

ORDERED, ADJUDGED, AND DECREED, that default judgment be entered in favor of Plaintiff **Carlos Cruz** against the Defaulting Defendants, jointly severally, in the amount of (1) Eleven Thousand Five Hundred Fifty-Six Dollars and Eighty Cents (\$11,556.80); (2) prejudgment interest running from August 19, 2021 through the date the judgment is entered at a rate of 9% per annum; (3) plus post-judgment interest on all amounts awarded pursuant to 28 USC § 1961, to run from the date of the judgment through the date the judgment is satisfied; and (4) attorneys' fees and costs.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED, that default judgment be entered in favor of **William Cafaro, PC**, as Plaintiff's counsel, against Defendants, jointly severally, in the amounts of (1) Seven Thousand One Hundred Ninety-Three Dollars and Twenty Cents (\$7,193.20); (2) pre-judgment interest running from August 19, 2021 through the date the judgment is entered at a rate of 9% per annum; (3) plus post-judgment interest on all amounts awarded pursuant to 28 USC § 1961, to run from the date of the judgment through the date the judgment is satisfied; and (4) attorneys' fees and costs.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: October 17, 2022
New York, New York

Copies transmitted to all counsel of record.